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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/658,567	09/09/2003	Zhu Dong	684-011489-US(PAR)	3416				
2512 PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824	7590 04/09/2007		<table border="1"><tr><td>EXAMINER</td></tr><tr><td>CHAWAN, VIJAY B</td></tr></table>		EXAMINER	CHAWAN, VIJAY B		
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/658,567	Applicant(s) DONG, ZHU	
	Examiner Vijay B. Chawan	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

2. The abstract of the disclosure is objected to because of the extraneous material at the end of the abstract which should be removed. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 10 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As per the Interim Guidelines regarding 35 U.S.C 101, claim 10 define non-statutory processes because the claimed invention of claim 10 is directed toward a computer readable signal, which is not patentable. Also, it is not clear, what type of data is being received and how. If the acts of a claimed process manipulate only numbers, abstract concepts or ideas, or signals representing any of the foregoing, the acts are not being applied to appropriate subject matter (Benson, 409 US at 71-72, 175, USPQ at 676). Furthermore, claims define non-statutory processes if they simply manipulate abstract ideas (Warmerdam, 33 F.3d at 1360.31 USPQ2d at 1759). Lastly in evaluating claims in view of 35 U.S.C. 101, the "limited to the technological arts" test is no longer valid (see Annex III of the interim Guidelines).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2626

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Comerford et al., (6,748,361).

As per claim 1, Comerford et al., teach a method of user notification in a portable communication device, said device comprising control software including a calendar-type application, said calendar-type application being capable of managing notification messages, said messages having associated with them at least an item of notification content and a time of notification, said method comprising the steps of:

deciding to notify a user, based at least in part on a comparison between said time of notification and current time (Col.5, line 64 – Col.6, line 5);

obtaining an audio signal based on said item of notification content (Col.5, lines 23 - 47); and,

outputting said audio signal through a speaker of said portable communication device (Col.3,lines 25-33).

As per claim 2, Comerford et al., teach the method according to claim 1, wherein said notification content comprises text (Col.9, line 39 – Col.10, line 8).

As per claim 3, Comerford et al., teach the method according to claim 2, wherein the step of obtaining an audio signal entails obtaining a synthesized speech signal, said speech signal being based at least in part on a speech-synthesized version of said notification text, and further comprising the step of: converting said synthesized speech signal into said audio signal (Col.9, line 39 – Col.10, line 8).

As per claim 4, Comerford et al., teach the method according to claim 1, wherein said notification content comprises a recorded sound signal (Col.11, lines 27-44).

As per claim 5, Comerford et al., teach a portable communication device, said device comprising control software including a calendar-type application, said calendar-type application being capable of managing notification messages, said messages

having associated with them at least an item of notification content and a time of notification, said device comprising:

means for deciding to notify a user, based at least in part on a comparison between said time of notification and current time (Col.5, line 64 – Col.6, line 5);

means for obtaining an audio signal based on said item of notification content (Col.5, lines 23 - 47); and,

means for outputting said audio signal through a speaker of said portable communication device (Col.3, lines 25-33).

As per claim 6, Comerford et al., teach the device according to claim 5, wherein said notification content comprises text (Col.9, line 39 – Col.10, line 8).

As per claim 7, Comerford et al., teach the device according to claim 6, wherein the means for obtaining an audio signal comprises means for obtaining a synthesized speech signal, said speech signal being based at least in part on a speech-synthesized

version of said notification text, and further comprising: means for converting said synthesized speech signal into said audio signal (Col.9, line 39 – Col.10, line 8).

As per claim 8, Comerford et al., teach the device according to claim 5, wherein said notification content comprises a recorded sound signal (Col.11, lines 27-44).

As per claim 9, Comerford et al., teach a computer readable medium on which is stored computer readable software instructions capable of performing a method according to claim 1 (Col.5, line 64 – Col.6, line 5, Col.5, lines 23 – 47, Col.9, line 39 – Col.10, line 8).

As per claim 10, Comerford et al., teach computer readable signal comprising computer readable software instructions capable of performing a method according to claim 1 (Col.5, line 64 – Col.6, line 5, Col.5, lines 23 – 47, Col.9, line 39 – Col.10, line 8).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Koch (7,127,400) teaches methods and systems for personal interactive voice response.

Saylor et al., (6,895,084) teach a system and method for generating voice pages with included audio files for use in a voice page delivery system.

Johnson et al., (5,664,063) teach an automatic user notification of certain meeting attributes of a posted calendar event.


Dulaney, III et al., (5,416,473) teach calendar driven selective call messaging system and operating method.

Comerford et al., (7,024,363) teaches methods and apparatus for contingent transfer and execution of spoken language interfaces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (571) 272-7601. The examiner can normally be reached on Monday Through Friday 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vijay B. Chawan
Primary Examiner
Art Unit 2626

vbc
4/1/07

VIJAY CHAWAN
PRIMARY EXAMINER